

Appl. No.: 09/658,612
Amdt. dated: October ___, 2003
Reply to Office Action of July 15, 2003

REMARKS/ARGUMENTS

The above Amendments and these Remarks are in reply to the Office Action mailed July 15, 2003.

No fee is due for the addition of any new claims.

Claims 1-6 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected Claims 1-6. The present Response amends Claim 1 leaving for the Examiner's present consideration Claims 1-6. Reconsideration of the rejections and objections is requested.

I. Summary of Office Action.

Claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by Hartmann (U.S. Patent No. 6,130,936).

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmann in view of Saito (U.S. Patent No. 6,526,263).

Claims 5-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmann.

II. Summary of Applicants' Response

Claim 1 is amended herein.

III. Response to Objections and Rejections

Claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by Hartmann (U.S. Patent No. 6,130,936). Claims 5-6 were rejected under 35 U.S.C. §103(a) as being obvious over Hartmann. Applicants respectfully traverse these rejections. Claim 1, as amended recites:

A system for a telephone, comprising:

- (a) a mechanical device associated with a conversation element;
- (b) a memory, coupled to the mechanical device, for storing an internal conversation element representing an audible utterance for a remote listener in an ongoing conversation; and
- (c) a processor, coupled to the memory and the mechanical device, for generating the audible utterance in response to a user interaction with the mechanical device and the conversation element.

Claim 1 as amended recites a device which stores conversation elements that are transmitted to a remote party responsive to interaction with a mechanical device. Claim 1 has been amended to explicitly recite previously implicit aspects of the claim, namely that the conversational elements are interactions in an ongoing conversation.

Hartmann, which discloses a system for simulating a connection failure to avoid the social awkwardness of ending an unwanted telephone call, does not disclose or suggest this feature. Hartmann discloses a prerecorded digital audio file that can be transmitted to an unwanted caller after the call has ended (col. 7 lines 17-23). This transmitted message is not part of an ongoing conversation, but rather a recording that is transmitted after a conversation has ended. Thus, Applicants submit that claims 1-3 and 4 are patentably distinguishable over Hartmann under 35 U.S.C. 102(e) and 103(a) and request that the Examiner withdraw his rejection.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmann in view of Saito. Applicants respectfully traverse this rejection. Hartmann, as indicated above does not disclose or suggest storing conversation elements that are transmitted to a remote party responsive to interaction with a mechanical device. Saito, which discloses an antenna impedance adjustment device, similarly fails to disclose or suggest any mention of storing or transmitting conversation elements. As neither of the cited

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references, either alone or in combination disclose or suggest the features of the claimed invention, Applicants submit that claim 4 is patentably distinguishable over Hartmann in view of Saito under 3 U.S.C. 103(a).

IV. Conclusion

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 31, 2003 By: Bryon T. Wasserman
Bryon T. Wasserman
Reg. No. 48404

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800